

November 4, 1999

Via Interdepartmental Mail

Mr. Philip H. Roush, Commissioner
Indiana Commission on Proprietary Education
302 West Washington Street, E201
Indianapolis, IN 46204-2767

Re: *Withdrawal of Formal Complaint 99-FC-11.*

Dear Mr. Roush:

This letter serves as formal notice to you that Mr. Michael Redell, who filed a formal complaint against the Commission on Proprietary Education on October 20, 1999, withdrew that complaint in a letter dated October 21, 1999. A copy of his withdrawal is enclosed for your reference.

First, I wanted you to know that I appreciated your speedy response to the complaint, which alleged that you had not responded to a written request for access to public records in a timely manner. According to the information provided by Mr. Redell, a written request was faxed to your agency on Monday, October 11, 1999, a day that is a legal holiday for state government, Columbus Day. Since your agency was closed on October 11th, it was stamped received on October 12, 1999. You did respond, after returning from your vacation on October 18th, in a letter to Mr. Redell in a letter dated October 19, 1999, and mailed it on that date. After receiving your response, Mr. Redell withdrew his complaint, understanding that you had responded within seven (7) days of the receipt of his request in accordance with Indiana Code section 5-14-3-9.

Under the circumstances your response to Mr. Redell's request was appropriate under the Access to Public Records Act. I do want to take this opportunity; however, to caution you that the Act does not account for vacations and other extended absences. It is fortunate that you returned within the time for making a timely response to Mr. Redell, but it is my advice to all public agencies that you make accommodations during your absences for others to identify public records requests and make certain that a timely responses are provided. I am available to consult with your staff if they have any questions about how to respond and would be happy to provide any training on the Act that you deem appropriate for this purpose. In this way, any potential problems with responding within the statutory time periods will be avoided.

Again, thank you for your prompt attention to the formal complaint. If you have any questions, please let me know.

Sincerely,

Anne Mullin O'Connor

cc: Michael L. Redell

Enclosure